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FILED  
 OFFICE OF THE CLERK BY COUNCILMEMBER  
 OAKLAND

*Patrick T. King*  
 CITY ATTORNEY

2004 MAY 13 PM 4:19

## OAKLAND CITY COUNCIL

**REVISED**

**AMENDMENT TO ORDINANCE NO. 11820 C.M.S. INCREASING RATES CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL FOR MULTI FAMILY AND SINGLE FAMILY RATEPAYERS, INCREASING CITY FEES PAID BY WASTE MANAGEMENT OF ALAMEDA COUNTY TO THE CITY OF OAKLAND AND AUTHORIZING THE FIFTH AMENDMENT TO THE FRANCHISE AGREEMENT FOR SOLID WASTE AND YARD WASTE COLLECTION AND DISPOSAL SERVICES TO INCLUDE WEEKLY SINGLE STREAM RESIDENTIAL RECYCLING AND PROCESSING SERVICES IN THE SOUTHERN HALF OF THE CITY (\$926,000), AND CITY-WIDE WEEKLY YARD WASTE COLLECTION AND RESIDENTIAL FOOD SCRAPS RECYCLING IN AN INITIAL AMOUNT OF APPROXIMATELY \$2,031,000 PER YEAR**

WHEREAS, the Council of the City of Oakland passed Resolution No. 77500 C.M.S. on October 29, 2002 which established a goal of 75% waste reduction going to landfills in alliance with the countywide 75% waste reduction goal; and

WHEREAS, Ordinance No. 11820 C.M.S. was adopted on July 25, 1995 to enter into a Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County, Inc. (WMAC); and establish rates and procedures to adjust the rates; and

WHEREAS, Section 8.28.020 of the Oakland Municipal Code allows the City Council to make Non-Consumer Price Index related rate adjustments in the exercise of its legislative discretion and to attach a surcharge on solid waste fees collected by WMAC to compensate the City for some or all of the costs of programs to reduce solid waste going to landfills; and

WHEREAS, Section 8.3.4 of the Franchise Agreement obligates the City to increase garbage rates to generate a sufficient amount of revenue to cover any increase in fees remitted to the City; and

WHEREAS, the City wishes to increase solid waste rates paid by multi-family and single-family ratepayers by 1.92% effective July 1, 2004 to generate approximately \$750,000 annually beginning July 1, 2004, and by an additional 1.92% effective July 1, 2005 to generate an additional approximately \$750,000 annually beginning July 1, 2005, for the Recycling Fund for changes to residential recycling programs, including implementing weekly citywide cart-based single stream recycling collection, in order to reduce solid waste going to landfills; and

WHEREAS, single-family residential backyard premium collection currently includes service for Solid Waste and Yard Waste carts, and implementing cart-based single stream recycling collection requires that recycling cart collection be added to residential backyard premium services and that the backyard premium surcharge be increased to cover the cost of doing so; and

WHEREAS, the City wishes to increase solid waste rates paid by single-family ratepayers by 4.02% effective July 1, 2004, and by an additional 4.02% effective July 1, 2005, in order for WMAC to increase Yard Waste collection services to single-family dwellings from bi-weekly to weekly collection services and to add Food Waste to materials collected as Yard Waste, in order to reduce solid waste going to landfills; and

WHEREAS, the City Council must amend Ordinance No. 11820 C.S.M. to authorize an increase of the City fees and to increase the garbage rates to generate a sufficient amount of revenue to cover the increased City fees and Yard Waste collection service enhancements; and

WHEREAS, the City Council finds that the services provided pursuant to the Franchise Agreement authorized hereunder are of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that this Agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, this Ordinance has been duly processed with proper public notice;

NOW THEREFORE, THE CITY COUNCIL FOR THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Effective July 1, 2004 Ordinance 11820 C.S.M Section 5 is amended to provide that:

- (1) WMAC is duly authorized to increase the single-family residential backyard premium surcharge by 50% in order to add recycling cart collection to existing residential backyard premium services for Solid Waste and Yard Waste. Accordingly monthly backyard premium base rates, to which the total July 1, 2004 rate adjustment and all future total annual rate adjustments apply, shall be:

	Contractor Supplied Carts	Customer Supplied Cans
Mini Can Rate - 20 Gallon	\$28.82	\$25.99
35 Cart	\$34.32	\$31.49
64 Cart	\$59.76	\$56.94
96 Cart	\$85.22	\$82.38

- (2) WMAC is duly authorized to increase the annual rate that its multi-family and single-family customers are charged by 1.92% in order to increase the payment of City fees to the City of Oakland to implement weekly citywide cart-based single stream recycling collection.
- (3) WMAC is duly authorized to increase the annual rate that its single-family customers are charged by 4.02% in order to implement enhancements in Yard Waste collection services.
- (4) WMAC is required to pass through to the City the \$750,000 in revenue generated by the 1.92% increase in multi-family and single-family rates for FY 2004-05.
- (5) The additional revenues generated shall be remitted to the City in twelve equal payments following procedures contained in Section 8.3.4 of the Franchise Agreement.

SECTION 2. Effective July 1, 2005 Ordinance 11820 C.S.M Section 5 is amended to provide that:

- (1) WMAC is duly authorized to increase the annual rate that its multi-family and single-family customers are charged by an additional 1.92% in order to increase the payment of City fees to the City of Oakland to implement weekly citywide cart-based single stream recycling collection.
- (2) WMAC is duly authorized to increase the annual rate that its single-family customers are charged by an additional 4.02% in order to implement enhancements in Yard Waste collection services.
- (3) WMAC is required to pass through to the City the additional \$750,000 in revenue generated by the 1.92% increase in multi-family and single-family rates for FY 2005-06
- (4) The additional revenues generated shall be remitted to the City in twelve equal payments following procedures contained in Section 8.3.4 of the Franchise Agreement.
- (5) For future years, effective July 1, 2005, WMAC is required to pass through to the City 1.92% established July 1, 2004, compounded annually by future total annual rate adjustments, of the

total revenue generated by multi-family and single-family rates in the immediately preceding fiscal year, which shall be remitted to the City pursuant to Section 8.3.4 of the Franchise Agreement.

SECTION 3. Effective July 1, 2006 Ordinance 11820 C.S.M Section 5 is amended to provide that:

- (1) For future years, effective July 1, 2006, WMAC is required to pass through to the City the additional 1.92% established July 1, 2005, compounded annually by future total annual rate adjustments, of the total revenue generated by multi-family and single-family rates in the immediately preceding fiscal year, which shall be remitted to the City pursuant to Section 8.3.4 of the Franchise Agreement.

SECTION 4. This Amendment will take effect upon the dates shown in Sections 1-3 above.

SECTION 5. The City Manager is hereby authorized and empowered to execute the Fifth Amendment to the Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County to provide weekly single stream residential recycling collection and processing services in the Southern half of the City (\$926,000); and City-wide weekly yard waste collection and residential food scraps recycling (\$2,031,000) and to approve any subsequent amendments to or extensions of said Franchise Agreement with the exception of those related to an increase in compensation for work not included in said Franchise Agreement or for increases in compensation beyond the procedures the City has set forth in the Franchise Agreement, provided that such agreements and amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the City Clerk's Office.

SECTION 6. The Council establishes a base rate to be paid to WMAC of \$3.20 per household by the City which rate shall be adjusted annually by the Consumer Price Index based on the formula contained in the Franchise Agreement.

SECTION 7. A copy of the Fifth Amendment to the Franchise Agreement will be on file with the City Clerk's Office and will be approved for form and legality by the Office of the City Attorney.

SECTION 8. The City Council finds and determines that:

- (a) This amendment is necessary to protect the public health, safety, and welfare;
- (b) The foregoing recitals are true and correct and are an integral part of this Amendment.

IN COUNCIL, OAKLAND, CALIFORNIA, ~~JUNE 1, 2004~~

JUN 15 2004

PASSED BY THE FOLLOWING VOTE:

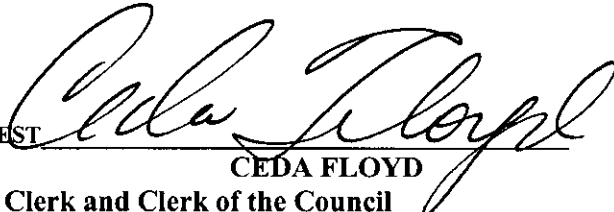
AYES - Brooks, Brunner, Chang, Nadel, Quan, Reid, Wan, De La Fuente - 8

NOES - 0

ABSENT - 0


ABSTENTION - 0

ATTEST

  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date:

MAY 18 2004

  
**AMENDMENT TO ORDINANCE NO. 11820 C.M.S. INCREASING RATES CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL FOR MULTI FAMILY AND SINGLE FAMILY RATEPAYERS, INCREASING CITY FEES PAID BY WASTE MANAGEMENT OF ALAMEDA COUNTY TO THE CITY OF OAKLAND AND AUTHORIZING THE FIFTH AMENDMENT TO THE FRANCHISE AGREEMENT FOR SOLID WASTE AND YARD WASTE COLLECTION AND DISPOSAL SERVICES TO INCLUDE WEEKLY SINGLE STREAM RESIDENTIAL RECYCLING AND PROCESSING SERVICES IN THE SOUTHERN HALF OF THE CITY (\$926,000), AND CITY-WIDE WEEKLY YARD WASTE COLLECTION AND RESIDENTIAL FOOD SCRAPS RECYCLING IN AN INITIAL AMOUNT OF APPROXIMATELY \$2,031,000 PER YEAR**

**NOTICE AND DIGEST**

This Ordinance authorizes Waste Management of Alameda County (WMAC) to increase the annual rates charged to its multi-family and single-family customers by 1.92% effective July 1, 2004 and by an additional 1.92% effective July 1, 2005, and directs WMAC to remit the revenues resulting from both 1.92% increases in fees to the City of Oakland; and authorizes WMAC to increase the annual rates charged to its single-family customers by an additional 4.02% effective July 1, 2004 and by an additional 4.02% effective July 1, 2005.

For a 35-gallon single-family garbage container, the rate increases will result in a monthly rate of \$22.86 from \$21.58 effective July 1, 2004, and a monthly rate of 24.22 from \$22.86 effective July 1, 2005. For each multi-family unit, the rate increases will result in a monthly rate of \$18.87 from \$18.51 effective July 1, 2004, and a monthly rate of \$19.23 from \$18.87 effective July 1, 2005.

This Ordinance also authorizes WMAC to provide weekly single stream residential recycling collection and processing services in the Southern half of the City (\$926,000), and City-wide weekly yard waste collection and residential food scraps recycling in an initial amount of approximately \$2,031,000 per year.

# Oakland Tribune

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OAKLAND CA 94612

## PROOF OF PUBLICATION

FILE NO. 11820

In the matter of

### INCREASING RATES CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL

The Oakland Tribune

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Oakland Tribune, a newspaper published in the English language in the City of Oakland, County of Alameda, State of California.

I declare that The Oakland Tribune is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated December 6, 1951, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Oakland Tribune as a Newspaper of General Circulation, Case Number 237798. Said order states that "The Oakland Tribune is a newspaper of general circulation within the City of Oakland, and the County of Alameda, and the State of California, within the meaning and intent of Chapter 1, Division 7, Title 1 [§§ 6000 et seq.], of the Government Code of the State of California. "Said order has not been revoked, vacated, or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

5/29/04

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hammer Seble

Public Notice Advertising Clerk

Legal No. 0000364140

AMENDMENT TO ORDINANCE NO.  
11820 C.M.S. INCREASING RATES  
CHARGED FOR SOLID WASTE  
COLLECTION AND DISPOSAL FOR MULTI-  
FAMILY AND SINGLE FAMILY  
RATEPAYERS, INCREASING CITY FEES  
PAID BY WASTE MANAGEMENT OF  
ALAMEDA COUNTY TO THE CITY OF  
OAKLAND AND AUTHORIZING THE  
FIFTH AMENDMENT TO THE  
FRANCHISE AGREEMENT FOR SOLID  
WASTE AND YARD WASTE  
COLLECTION AND DISPOSAL  
SERVICES TO INCLUDE WEEKLY SINGLE  
STREAM RESIDENTIAL RECYCLING  
AND PROCESSING SERVICES IN THE  
YARD WASTE COLLECTION AND  
RESIDENTIAL FOOD SCRAPS  
RECYCLING IN AN INITIAL AMOUNT OF  
APPROXIMATELY \$2,031,000 PER  
YEAR SOUTHERN HALF OF THE CITY  
(\$926,000), AND CITY-WIDE WEEKLY

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

04 JUN -4 PM 2:30

#### NOTICE AND DIGEST

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This Ordinance also authorizes WMAC to provide weekly single stream residential recycling collection and processing services in the Southern half of the City (\$926,000), and City-wide weekly yard waste collection and residential food scraps recycling in an initial amount of approximately \$2,031,000 per year.

#### Notice of Publication

This Ordinance was introduced at the City Council meeting, Tuesday evening May 18, 2004, and passed to print 7Ayes, 1 Excused. Hearing on final adoption has been scheduled for the City Council meeting Tuesday evening June 1, 2004, 6:00 p.m., at One Frank H. Ogawa Plaza, Council Chambers, on the third floor in Oakland, California.

Three full copies are available for use and examination by the public in the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk

The Oakland Tribune, #364140  
May 29, 2004

rescheduled  
to  
6/15/04